

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 3, 2005

Regulation Package #0403-08

CDSS MANUAL LETTER NO. EAS-05-01

TO: HOLDERS OF THE EAS MANUAL

Regulation Package #0403-08

Effective 2/16/05

Section 45-201

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

In 2001, the Legislature enacted AB 1449, Chapter 463, Statutes of 2001, which added Section 17552 to the Family Code relating to child support services.

Prior to implementing AB 1449, the regulations required that a foster child's case be referred to the local child support agency. These amended regulations require the social worker to make a determination whether it is in the child's best interest to make a referral to the local child support agency and ensure that court dependent foster children and their families can reunite with the maximum support and stability, thereby enhancing the opportunity for family preservation, child safety and well-being.

These regulations were considered at the Department's public hearing held on September 17, 2003.

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-04-08.

Page(s)Replace(s)

546 through 549.1

Pages 546 through 549.1

Attachments

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45-201	GENERAL AFDC-FC REQUIREMENTS (Continued)	45-201
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- . 122 See Sections 31-002(i)(1), (i)(1)(A), and 31-525 for the definition and description of ILP.

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- .13 The residence requirements in Chapter 42-400;
- .14 The citizenship and alienage requirements in Subchapter 42-430;
- .15 The social security enumeration requirements in Section 40-105.24; and
- .16 The income requirements in Chapter 44-100.
- .161 Pursuant to Section 44-111.261, income and incentive payments earned by a child 16 years of age or older who is participating in the ILP are exempt as income for purposes of eligibility and grant determination when received as part of the ILP written transitional independent living plan.
- (a) Repealed by Manual Letter No. 91-09, effective 5/28/91.
- (b) Repealed by Manual Letter No. 91-09, effective 5/28/91.
- (c) Repealed by Manual Letter No. 91-09, effective 5/28/91.
- .162 There is no limit to the amount exempted under Section 45-201.161.
- .163 Repealed by Manual Letter No. 91-09, effective 5/28/91.

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- .164 See Sections 31-002(i)(1), (i)(1)(A), and 31-325 for the definition and description of ILP.

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- .2 The AFDC-FC rate as determined in Chapter 11-400, including amounts for specialized care but not including special need payments, shall constitute the need standard for a child receiving AFDC-FC and shall be greater than the child's net nonexempt income as determined in Chapter 44-100. Income received by the child's parents shall not be used to determine the AFDC-FC aid payment unless the parents make their income and/or income the parents receive on behalf of the child available to meet the child's needs.
- .3 The following child support requirements:
- .31 The county shall provide the local child support agency with the information specified in .311 through .314 below:
- .311 A completed referral form;
- (a) If the child's social worker has determined according to Section 31-503.1 that it is not in the best interest of the child to refer the case to the local child support agency for enforcement, the county shall refrain from referring the case for child support enforcement.
- .312 Any information the county has which indicates that the local child support agency should not proceed with child support enforcement including at least one of the following reasons for good cause:
- (a) an agreement to establish good cause for not cooperating with the local child support agency if one has been completed by either or both of the child's parents; or
- (b) documentation from the child's social worker that referral for child support enforcement would not be in the child's best interest in accordance with Section 31-503;
- .313 Any information regarding the best interest of the child as it pertains to child support issues upon request of the local child support agency;
- .314 Any other forms or information, including a Child Support Questionnaire (CA 2.1), requested by the local child support agency.
- .32 The general requirements of Sections 43-200, 43-201.2 and 43-203 shall be met.
- .4 The following services requirements shall be met:
- .41 The agency with responsibility for placement and care of the child shall:
- .411 Provide preplacement preventive services to children placed into foster care on or after October 1, 1983, and document in the services case record why provision of these services was not successful in maintaining the child with his or her family.

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- (a) The provision of preplacement preventive services shall not be required when the current authority for placement of the child is either:
 - (1) relinquishment of the child by one or more parents or termination of the parental rights of one or more parents; or
 - (2) nonrelated legal guardianship.
- .412 Develop a written assessment and case plan within 30 days from the date the agency became involved with the child or the date of the child's most recent placement, whichever is later. Where the child is a minor parent and his/her child is living in the same eligible facility, the assessment shall include the minor parent's child.
 - (a) Such assessment and case plan shall be updated in conjunction with the periodic reviews specified in .42 below.
 - (b) Such assessment and case plan for a child living with a nonrelated legal guardian shall be updated no less frequently than once every six months.
- .413 Provide family reunification services or, when return of the child to his or her own family is documented in the services case record as being inappropriate, provide permanent placement services.
- .414 Visitation
 - (a) For children placed in out-of-state or California group homes, visit the child no less frequently than once a calendar month with at least a two-week period between visits.
 - (b) For children placed in any other eligible facility, visit the child no less frequently than once every six months.
- .42 Except for a child living with his or her nonrelated legal guardian, periodic reviews shall be conducted on behalf of the child no less frequently than once every six months from the date of placement into foster care.
- .43 Except for a child living with his or her nonrelated legal guardian, permanency planning hearings shall be conducted on behalf of the child within 18 months of the date of placement into foster care and shall occur no less frequently than once every 12 months following the first hearing throughout the period of foster care placement.
 - (a) Subsequent permanency planning hearings shall not be required for a child who is free for adoption and placed in the adoptive home identified in the previous permanency planning hearing pending finalization of the adoption.

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- .44 Assessment and placement recommendation
- .441 Effective March 1, 1999, an assessment and placement recommendation must be made by a multidisciplinary team prior to the placement of a child in an out-of-state group home.
- .442 For children placed in an out-of-state group home prior to August 19, 1998, an assessment and placement recommendation must be obtained by February 18, 1999.
- .443 For children placed in an out-of-state group home between August 19, 1998, and February 28, 1999, an assessment and placement recommendation must be obtained no later than 6 months from the date of placement.

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- (a) See Sections 31-066.1 through .6 for guidance on the assessment and placement recommendation process.

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- .45 The income maintenance case record shall contain a statement from the placement worker, on the SOC 158A form which certifies that the above requirements have been met. This certification shall occur at the time of application, at redetermination of the child's AFDC-FC eligibility, and when there is a change in the authority for placement.

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- .46 Division 31 provides further information regarding services requirements.

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- .5 The application requirements in Section 40-100 shall be met.
- .6 A child living with his/her AFDC-FC eligible minor parent in the same eligible facility does not need a separate eligibility determination. The eligibility for the infant supplement is based on the minor parent's AFDC-FC eligibility determination.
- .7 A redetermination of all of the foster child's circumstances which are subject to change shall be completed once every six months.
- .71 At the time of the six month redetermination, the parent or legal guardian shall complete the "Statement of Facts Supporting Eligibility for Assistance" (CA 2 1/87) or, at county option, the "Statement of Facts Supporting Eligibility for AFDC-Foster Care (FC)" (FC 2). If the parent or legal guardian is unavailable or uncooperative, the placement worker shall complete the "Statement of Facts Supporting Eligibility for AFDC-Foster Care (FC)" (FC 2).

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- .72 Examples of a foster child's circumstances which are subject to change include, but are not limited to, deprivation, financial need, authority for placement, eligible facility, etc.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.21, 366.25, 366.3, 727.1, 11008.15, 11155.5, 11400(b), 11401(b), 11402, 11403, and 11404.1, 16516.5, Welfare and Institutions Code; Sections 7911.1 and 17552, Family Code; 42 U.S.C. 672(a); and 45 CFR 1356.21(d).

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